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OFFICE OF PETITIONS

In re Application of :
Robert E. Sinclair, II. :
Application No. 10/715,765 : ON PETITION
Filed: November 18, 2003 :
Attorney Docket No. 304557.01 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 1, 2007.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.


This application was held abandoned on July 7, 2006, after it was believed that no response was received to the final Office action mailed April 6, 2006. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A review of the application file reveals that an Interview Summary of May 16, 2006, indicates that Supervisory Patent Examiner Richemond Dorvil and applicant agreed that a non-final Office action would be mailed. Notwithstanding, a Notice of Abandonment was mailed on September 17, 2007, indicating that a reply to the final Office action was not received.

The instant petition maintains that applicant was not required to respond to the final Office action because of the agreement reached between Examiner Dorvil and applicant that a non-final Office action would be mailed. The abandonment is being withdrawn on the basis of the undersigned's review of the application file and the agreement reached between the parties in the Interview Summary of May 16, 2006.

Based on the aforementioned, it appears that the application was improperly held abandoned. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded to Technology Center 2600, GAU 2626 for further processing, which may include mailing of a non-final Office action.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions